

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT CRAIG,
Plaintiff,

v.

THOMAS JEFFERSON UNIVERSITY,
Defendant.

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:
: CIVIL ACTION
:
: NO. 08-4165
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:
:
:

Order

AND NOW on this 7th day of July 2009, upon consideration of defendant Thomas Jefferson University's partial motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (also interpreted, in part, as a motion to strike plaintiff's request for liquidated damages) (Doc. No. 8), plaintiff's response, and defendant's reply thereto, **IT IS HEREBY ORDERED** that defendant's partial motion to dismiss is **GRANTED**:

- (1) Count I is **DISMISSED** as untimely as to plaintiff's claims regarding the employment positions with Drs. Spitsin and Flomenberg;
- (2) Count II is **DISMISSED** as untimely as to plaintiff's claims regarding the employment positions with Drs. Spitsin, Flomenberg, Wachsberger, and Del Galdo; and
- (3) Count I is **DISMISSED** to the extent it raises a disparate impact claim.

IT IS FURTHER ORDERED THAT defendant's motion to strike plaintiff's demand for liquidated damages is **DENIED**.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge